



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTON  
ATTORNEY GENERAL**

October 19, 1989

Honorable Robert T. Jarvis  
Grayson County Attorney  
Justice Center  
Sherman, Texas 75090

LO-89-86

Dear Mr. Jarvis:

You ask a question concerning the right of an inmate in the county jail to receive his medical records while incarcerated. Specifically, you ask whether the release of medical records to the inmate is mandatory, and if so, which records must be released.

We believe Attorney General Opinion MW-381 (1981), which addressed a similar question concerning an inmate of the Texas Department of Corrections, governs your inquiry. There it was determined that the inmate had no special constitutional or common-law right to inspect his own medical records while in custody. The opinion noted that under a recently enacted provision of the Medical Practice Act, section 5.08 of article 4495b, V.T.C.S., the inmate had a statutory right of access to medical records generated or held by a physician unless the physician determined that access would be harmful to the inmate's physical, mental, or emotional health. The statutory right of access is available with respect to any medical record created or maintained by a physician even though not personally prepared by the physician. Attorney General Opinion MW-569 (1982).

Our review of subsequent authorities disclosed no change in the law of prisoners' rights as to require a modification of the answer given in Attorney General Opinion MW-381. Nor do we believe the answer is different for inmates of a county jail as opposed to inmates of a state prison. Accordingly, you are advised that an inmate of a county jail has no special constitutional or common-law right of access to his own medical records held by jail administrators, but may obtain access to medical records created or maintained by a physician under the terms of

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section 5.08 the Medical Practice Act. A copy of Attorney General Opinion MW-381 is enclosed.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Steve Aragon", with a stylized flourish at the end.

Steve Aragon  
Assistant Attorney General  
Opinion Committee

APPROVED: Rick Gilpin, Chairman  
Opinion Committee

Sarah Woelk, Chief  
Letter Opinion Section  
Opinion Committee

SA/mc

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Enclosure: MW-381